

# **Plaintiffs'**

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MUTINTA MICHELO, *et al.*,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

V.

No. 18-cv-1781 (PGG)

NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2007-2; *et al.*,

Defendants.

**TRANSWORLD SYSTEMS INC.’S SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO PLAINTIFFS’  
FIRST SET OF REQUESTS FOR PRODUCTION**

NOW COMES Transworld Systems Inc. (“TSI”), by and through the undersigned counsel, and hereby supplements its responses to Plaintiff’s First Set of Requests for Production directed to TSI, as follows:

## GENERAL OBJECTIONS AND RESERVATIONS

TSI responds to plaintiffs' requests subject to and without waiving these general objections in addition to any specific objections raised in response to a specific discovery request.

1. TSI objects to plaintiffs' discovery requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, and/or are beyond the scope allowed under federal and state law.

2. TSI objects to plaintiffs' discovery requests to the extent that the information requested is obtainable from some source, other than TSI, which is more convenient, less burdensome and/or less expensive.

3. TSI objects to plaintiffs' discovery requests to the extent they seek proprietary information, trade secrets, or confidential business information.

4. TSI objects to plaintiffs' discovery requests to the extent they seek information or documents reflecting consumer information that is protected from disclosure by applicable federal and/or state privacy laws.

5. TSI objects to plaintiffs' discovery requests to the extent that the document requests are vague and ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence.

These general objections are applicable to, and incorporated in, each of TSI's responses below as set forth herein. Stating a specific objection shall not be construed as a waiver of TSI's general objections.

TSI reserves the right to supplement their responses as investigation and discovery are continuing.

**Document Request No. 1.** All of Your organization charts or flow charts for the Relevant Time Period, including but not limited to, organization charts and flow charts for:

- a. Employees who review, maintain, manage, organize and/or distribute information concerning Debt allegedly owed to a Trust; and
- b. Employees who prepare, review and/or sign Documents, including, but not limited to affidavits of fact, or any other Affidavits, prepared in support of and/or submitted in relation to Debt Collection Lawsuits filed in any court in the State of New York during the Relevant Time Period in which a Trust was the Plaintiff.

**Response:** TSI objects to this Request because it is vague, ambiguous, seeks information that is not relevant to the claims and defenses in this case, and because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information.

**Supplemental Response:** TSI objects to this Request because it is vague, ambiguous, seeks information that is not relevant to the claims and defenses in this case, and because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00626-01478, TSI 01870-02074, TSI 02099-02114. Further answering, the following NCO and TSI affiants executed affidavits for cases in New York between 2013 and 2016, along with their dates of employment, if available:

- |                   |           |           |
|-------------------|-----------|-----------|
| 1. Alicia Holiday | 8/24/2015 | 4/16/2018 |
|-------------------|-----------|-----------|

**Document Request No. 16.** All Documents that refer or relate to any computer systems, programs and/or software used by You to receive, review, maintain, manage, organize, or transmit information concerning Debt Collection Lawsuits and/or potential debt collection claims against any Plaintiff herein.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and because the information sought is not proportional to the needs of the case as the request is not limited to computer systems, programs, and/or software used with respect to loans held by the Trusts and owed by Plaintiffs. TSI further objects that this Request is not set forth with sufficient particularity. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. TSI is producing no documents in response to this Request at this time, but TSI is willing to meet and confer with Plaintiffs regarding limiting and clarifying the scope of this Request so that it is proper.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and because the information sought is not proportional to the needs of the case as the request is not limited to computer systems, programs, and/or software used with respect to loans held by the Trusts and owed by Plaintiffs. TSI further objects that this Request is not set forth with sufficient particularity. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-01478, TSI 01514-02019, TSI 02099-02114, and TSI 02176-02260.

**Document Request No. 17.** All Documents disseminated by You that refer or relate to the protocols and procedures concerning debt collection activities in connection with and Debt allegedly owed to a Trust. Such Documents include, but are not limited to: protocols and manuals provided to counsel retained to conduct litigation activities in connection with any Debt allegedly owed to a Trust; and job-description documents, training manuals,

checklists, and protocols governing the actions of Your employees who performed tasks in connection with the Subject Debt Collection Lawsuits.

**Response:** TSI objects to this Request to the extent it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, and subject to the entry of a protective order, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to collection of loans held by the Trusts and owed by Plaintiffs.

**Response:** TSI objects to this Request to the extent it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, and subject to the entry of a protective order, *see* TSI 00626-01478, TSI 01870-02070, and TSI 02099-02175.

**Document Request No. 18.** All Documents provided to You concerning protocols and procedures for collecting any Debt allegedly owed to a Trust.

**Response:** TSI objects to this Request to the extent it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, and subject to the entry of a protective order, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to collection of loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request to the extent it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-

**CERTIFICATE OF SERVICE**

I certify that on April 17, 2020, a copy of the foregoing was served by electronic mail on counsel of record at the address below:

Gregory A. Frank  
Marvin L. Frank  
Asher Hawkins  
FRANK LLP  
370 Lexington Avenue, Suite 1706  
New York, New York 10017  
gfrank@frankllp.com  
mfrank@frankllp.com  
ahawkins@frankllp.com

/s/ Morgan I. Marcus